



King County Board of Ethics
900 Fourth Avenue, Suite 860
Bank of California Building
Seattle, WA 98164 MS BOC-IA-0860
(206) 296-1586 FAX (206) 205-0725
board.ethics@metrokc.gov
www.metrokc.gov/ethics/

KING COUNTY BOARD OF ETHICS MEETING NOTICE

When: Monday, November 19, 2001, at 4:30 p.m.

Where: Bank of California Building
900 Fourth Avenue, 4th Avenue and Marion Street, Seattle
5th floor conference room, northwest corner of building

AGENDA

1. ***Approval of Agenda***
2. ***Approval of Meeting Minutes of September 17, 2001.***
3. ***Request for Advisory Opinion.*** Just and Equitable Treatment; Use of County Property.
4. ***Ethics Legislation & Policies.*** Status Report
 - Amendment Relating to Filing Requirements
 - Proposed Amendment Relating to Post Employment Restriction
 - Procedures for Disseminating Ethics Information and Conducting Ethics Training
 - Procedures for Filing Acknowledgment of Receipt Statements, Statements of Financial and Other Interests, and Consultant Disclosure Forms
5. ***Review of Ethics Code.*** Discussion.
6. ***Staff Report.***
 - Request for disclosure of public documents
 - Brochure—King County Ethics Standards for Vendors, Contractors, Clients, and Customers
 - Financial Disclosure Program 2002
 - Event featuring Chair Price Spratlen, Tuesday, November 27, 2001
 - COGEL conference, December 3 – 5, 2001, Lexington, Kentucky
7. ***Department of Executive Services***
8. ***2002 Meeting Schedule***

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are available by calling (206) 296-1586 or TTY 1-800-833-6388.

ALTERNATE FORMATS AVAILABLE

Minutes of the November 19, 2001, Meeting of the King County Board of Ethics

The November 19, 2001, meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:34 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D., Chair
Mr. Roland H. Carlson
Margaret T. Gordon, Ph.D.
Rev. Paul F. Pruitt

Lembhard G. Howell, Esq., was absent

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics
Mr. Makoto Fletcher, Principal Financial Auditor, King County Auditor's Office

1. *Proposed Agenda.* Mr. Carlson moved and Dr. Gordon seconded that the board approve the proposed agenda. The board unanimously adopted the motion.

Rev. Pruitt arrived at 4:37 p.m.

Chair Price Spratlen asked for introductions from those present.

2. *Approval of Meeting Minutes of September 17, 2001.* Dr. Gordon moved and Mr. Carlson seconded that the board approve the September 17, 2001, meeting minutes. The board unanimously adopted the motion.

3. *Request for Advisory Opinion.* Ms. Clemens introduced the agenda item; Mr. Fletcher summarized his request for an opinion. He is a principal financial auditor in the King County Auditor's Office and reports directly to the county auditor. The office lies within the legislative branch and reports directly to the King County Council. Earlier this year, the auditor hired an individual for whom she had worked in a previous job, and it is the assertion of the requestor that the auditor failed to follow hiring procedures issued by the Office of Human Resources Management. OHRM is an executive branch agency. In addition, the requestor asserted that the auditor is "devoting a substantial amount of each workday," including staff time and office equipment, toward her campaign for presidency of the American Society of Public Administrators, a professional organization of which she is a member. Mr. Fletcher then asked the Board of Ethics for an advisory opinion that would determine whether or not his supervisor is in violation of K.C.C. 3.04, King County Employee Code of Ethics. Specifically, he asked: 1) whether the supervisor's hiring of a friend and former employer, without subjecting the job seeker to a normal hiring process, would violate the ethics code; and 2) whether use by the supervisor of county resources, including equipment and staff time, for outside activities not directly related to official county business is a violation of the ethics code?

Mr. Carlson stated that before the board reviewed any of the substantive issues, it should consider whether or not it is the appropriate agency for such review. He stated that the Ombudsman should address the matter since the issue is a complaint of a code violation. In addition, by addressing the issue now, the board might impair its ability to hear an appeal on the issue. Rev. Pruitt agreed. Dr. Gordon asked Mr. Fletcher why he had come to the board rather than the Ombudsman? Mr. Fletcher responded that he had discussed the matter with council legal staff and had been advised that no violation occurred since the legislative branch is not subject to the provisions of the ethics code. Mr. Fletcher wanted to know if the legislative branch is subject to the code. He also noted that following his

discussion with council legal staff, existing hiring policies had been submitted to the council for revision. Following deliberation, the board concluded that its role is to issue opinions on future actions that will guide behavior and the Ombudsman's role is to review, investigate, and issue findings on complaints. Based on those considerations, Mr. Carlson moved that the board decline to issue an advisory opinion and to recommend to Mr. Fletcher that he bring possible violations of the ethics code to the Ombudsman through the complaint process. Dr. Gordon seconded the motion and the motion passed unanimously. Mr. Fletcher asked if he could receive a copy of the briefing paper prepared for the board by the administrator? Ms. Clemens promised to send him a letter summarizing the board's response to his request and to include a copy of the briefing. She also encouraged Mr. Fletcher to contact her should he have additional questions or concerns.

Mr. Fletcher left the meeting at 5:02 p.m.

4. *Ethics Legislation & Policies.* Ms. Clemens briefed the board on the status of recent ethics legislation and policies. Amendment Relating to Filing Requirements. In April 2001, the board developed and transmitted a proposed amendment to the executive that related to the requirement for filing certain orders and decisions under the Code of Ethics. The executive forwarded the matter to the King County Council where it was approved as Ordinance 14218 by a vote of 11-2 on October, 1, 2001. The amendment to the code basically replaces the records and elections division with the Board of Ethics for filing certain documents including authorizing memorandums, financial disclosure statements, and copies of findings of reasonable cause by the Ombudsman. Complaints on violations of the ethics code will continue to be filed with the Ombudsman. Proposed Amendment Relating to Post Employment Restrictions. On June 6, 2001, the administrator forwarded a transmittal package containing the proposed amendment to Mr. James J. Buck, Deputy Director, DIAS. The package included a routing form, the proposed ordinance, a draft transmittal memo from Mr. Buck to Executive Sims, and a draft transmittal letter from Executive Sims to Council Chair von Reichbauer. The matter has not yet been forward to the executive. Chair Price Spratlen wanted to know the standard protocol for submitting proposed legislation to the executive and council. Ms. Clemens stated that her instructions are to follow the procedures taken in this instance. Following discussion, Mr. Carlson moved that the board direct Ms. Clemens to inquire of Mr. Buck why the proposed amendment relating to post employment restrictions have not been transmitted to the executive and to ask for a response by the next meeting scheduled for December 17, 2001. Rev. Pruitt seconded the motion and the motion passed unanimously. Procedures for Disseminating Ethics Information and Conducting Ethics Training and Procedures for Filing Acknowledgment of Receipt Statements, Statements of Financial and Other Interests, and Consultant Disclosure Forms. Dr. Price Spratlen asked about the origin and use of such procedures. Ms. Clemens stated that records and elections staff notified the ethics office that certain executive procedures related to ethics were not current. In response, the ethics administrator and counsel revised the policies and forwarded the revised documents to Mr. Buck on June 6, 2001, for transmittal to the executive. The procedures have not yet been forwarded. Mr. Carlson moved that the board direct Ms. Clemens to inquire of Mr. Buck why the revised executive procedures had not been transmitted to the executive and to ask for a response by the next meeting scheduled for December 17, 2001. Rev. Pruitt seconded the motion and the motion passed unanimously.

5. *Review of the Ethics Code.* Ms. Clemens briefed the board. Since 1999, the board has proposed four amendments to the code affecting: 1) the financial disclosure provisions, 2) consultant disclosure requirement, 3) filing requirement, and 4) most recently the post employment provisions. It also reviewed the penalties provision under the code, but determined it would recommend no changes at this time. Except for the post employment amendment, all proposed amendments have been voted into ordinance by the council and

signed by the executive. The proposed amendment to the post employment provision is awaiting transmittal to the executive (see Item #4 above.)

During the September 17th meeting, Chair Price Spratlen stated that the board would be informed by questions posed by employees to the administrator and board as potential problem areas in the code. She stated that the board would move forward on any future code review on the strength of that information. Ms. Clemens noted that the board had responded to three requests for advice during the year on topics of conflict for county board and commission members (1) and use of county property (2). She also reviewed the number and category of written staff informational responses to employee inquiries during 2001. Of the 57 responses, topics included: use of county property (10); conflict with official position (8); post employment (6); solicitation by county employees (6); board and commission member issues (5); outside employment (5); acceptance of meals and refreshment (4); campaign activities (4); attendance at events and seminars (2); nepotism (2); receipt of gifts and awards (2); consulting and contracting (1); donations (1); and employee recognition (1). Ms. Clemens stated that she responds orally to approximately four times as many questions from employees, but in generally the same categories.

Based on this information, the board determined that no particular area of the code appeared to be problematic in understanding and applicability for county employees. Therefore, it would not recommend additional code revisions at this time. Following further discussion, Chair Price Spratlen remarked on the quantity and quality of the work performed by the board and staff thus far in strengthening the ethics code. She stated that we could collectively take pride in this accomplishment and the effective role we play for county employees and citizens of King County. Mr. Carlson noted that providing clarification on specific issues before employees act is an important role and that, by providing such a service, questions might increase. Rev. Pruitt agreed and asked for clarification on certain areas of inquiry. Ms. Clemens stated that outreach is key and suggested that she and one board member meet with as many directors and managers as possible next year. Mr. Carlson stated that new councilmembers should be included in that effort and suggested that an outreach schedule be developed and included in the January retreat agenda. Chair Price Spratlen suggested including other board and commission members in outreach strategies. Dr. Gordon agreed and stated that it is reasonable to have members understand their relationship to this board as well as to the ethics code. Ms. Clemens stated she would place the item on the January retreat agenda.

6. *Staff Report.* Ms. Clemens briefed the board. Request for disclosure of public documents. The ethics office received a request by a member of the public for a copy of a county board member's statement of financial and other interests. Ms. Clemens updated the board by providing a copy of the response letter that complied with the request. King County Ethics Standards for Vendors, Contractors, Clients, and Customers—a brochure. All elected officials and county employees received the brochure along with their October paychecks. Executive Sims sent a supporting e-mail a few days in advance of distribution. Dr. Price Spratlen suggested the board send a letter of appreciation to the executive and the board agreed. Dr. Price Spratlen also informed the board that her meeting with the executive on September 20th had been cordial. Mr. Carlson had also attended. The main issue to be discussed was future working relationships following the reorganization, since the board had held views counter to the executive and his staff on the location of the ethics agency within the county and the reporting relationship for the administrator. Chair Price Spratlen was pleased to report that Executive Sims was looking to the future for a continued productive relationship with the board. Financial Disclosure Program 2002. Disclosure forms have been updated to include correct filing information since the council passed the filing ordinance in October. Mr. Peter Toliver will again serve as disclosure coordinator and the administrator will send information requests to directors in mid-December, preceded by a supporting e-mail from the executive. Event featuring Dr. Price Spratlen, Tuesday, November 27, 2001. It was announced that Dr. Price Spratlen will speak about her recently

published book "African American Registered Nurses In Seattle: The Struggle for Opportunity and Success." The book features interviews with Seattle's first African-American nurses and founding members of the Mary Mahoney Professional Nurses Organization. Ms. Clemens distributed a November 11, 2001, article from the Seattle Times by staff columnist Jerry Large in which he writes of his conversation with Dr. Price Spratlen about this book. The board congratulated the chair on her success and accomplishment. COGEL conference, December 3 – 5, 2001, Lexington, Kentucky. Ms. Clemens reminded the board that she will be attending the COGEL conference next month and distributed an agenda of the three-day event.

7. *Department of Executive Services.* Ms. Clemens described the organizational structure and staff responsibilities under the new Department of Executive Services, headed by Mr. Paul Tanaka, and distributed supporting information.

8. *2002 Meeting Schedule.* Ms. Clemens reviewed the 2002 meeting schedule that conforms to the King County Board of Ethics Procedures for Meetings. Following discussion, the board agreed to hold the annual retreat on Saturday, January 12, 2002. The board directed Ms. Clemens to investigate alternate sites to the University's HUB, including Parrington Hall on the UW campus and the Lake Wilderness conference site in Maple Valley.

Mr. Carlson moved and Rev. Pruitt seconded a motion to adjourn the meeting. The board unanimously approved the motion and the meeting was adjourned at 5:45 p.m.

Approved this 19th day of February, 2002, by the King County Board of Ethics.

Signed for the Board: _____
Dr. Lois Price Spratlen, Chair